

INDIANS

MEMORIAL OF THE DELEGATIONS OF  
CHEROKEE, CREEK AND  
SEMINOLE CHOCTAW AND CHICHASAW  
NATIONS ON THE TRANSFER OF  
INDIANS FROM CIVIL TO  
MILITARY MANAGEMENT

FEBRUARY 25 1878

TRANSFER OF INDIANS FROM CIVIL TO MILITARY MAN-  
AGEMENT.

---

MEMORIAL

OF THE

DELEGATIONS OF THE CHEROKEE, CREEK AND SEMINOLE, CHOCTAW  
AND CHICKASAW NATIONS, OF THE INDIAN TERRITORY,

TO THE

*Congress of the United States, in opposition to the transfer of the Indians  
from civil to military management, as contemplated in bill H. R. 959  
and others of like import now pending in Congress.*

---

FEBRUARY 25, 1878.—Referred to the Committee on Indian Affairs and ordered to be  
printed.

---

*To the honorable the Senate and House of Representatives in Congress  
assembled:*

The undersigned delegations now representing, respectively, the Cherokee, Creek, Seminole, Choctaw, and Chickasaw Nations of Indians would respectfully ask to be heard upon the general proposition to "transfer" the management of Indian affairs from the "civil" to the "military" arm of the government.

With profound sorrow have we witnessed the renewal, in the present Congress, of this "transfer" measure—a measure which has been repeatedly considered and defeated in the past.

Bill No. 959 H. R., and sundry others now claiming Congressional attention, aim at not only the "transfer" of the "Office of Indian Affairs from the Interior to the War Department," but the placing of all Indians within the territorial confines of the United States, and numbering about three hundred thousand souls, under the absolute and exclusive jurisdiction of the Secretary of War and the Army; and this, too, at a time when there is neither war nor menace of war, but, to the contrary, when there is profound peace and general good understanding between the government and her Indian wards.

*Why is this?* The only formidable Indian enemy of the whites, the Teton Sioux, so called, are now, if reports be true, subjects of the "Empress of India and Queen of Great Britain," removed beyond your reach—the Canada line, which is more formidable than bulwarks of stone, intervening between you and them. Reliable authority tells us that "Sitting Bull" does not contemplate a return to his old haunts, but is satisfied with his past eventful career, and has no disposition to

attempt to re-enact it; that he realizes fully that the "Rose Bud" and Little Bighorn country is forever lost to him and to his people; and that he is now willing to submit to a fate he is powerless to avert—loss of country and banishment therefrom. While this is no doubt true as regards the "Teton Sioux," (*sensational rumors to the contrary notwithstanding*), Chief Joseph and his handful of Nez Percés, overwhelmed by superior force, after one of the most notable defensive retreats on record, are now in your hands as prisoners of war—the tribe literally shattered and powerless for harm.

Why is this proposed change?

In the North you have nothing to fear.

In the West the Utes and their sister tribes are quiet, and desire to continue so.

In the Southwest the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws stand sentinel for you. They are by solemn treaty-covenant your allies. They are your friends, as true to their obligations as the needle to the pole.

In the extreme Southwest the Comanches, Kiowas, Apaches, and others, with scarce an exception, have abandoned, or nearly so, their former predatory habits, and are now earnest seekers after that better life to be found in your civilization, and to which you have invited them.

If depredations are occasionally committed upon the frontier white settlements, so are depredations occasionally committed upon the frontier Indian settlements. Thieves and robbers, whether red or white, *will*, at times, ply their vocation regardless of State lines, the rights of others, and the consequences to themselves. Such things, deplorable though they be, are of frequent occurrence in some of your States and Territories, among your own people, and yet you do not propose to cure the evil by declaring martial law over the many good citizens among whom these evil ones reside.

Then why is it that you seek to make this change? Why is it that you seek to adopt and apply a principle in your intercourse with the Indians such as would not be tolerated if attempted upon any community of your own flesh and blood? Why is it?

Have the duties of the Indian service become too complicated and onerous for the successful management in the Department of the Interior? Is there any sufficient reason why the War Department should discharge the duties of the Indian Bureau better or more economically than the Department of the Interior? Has the War Department more intelligence, more time, more experience, more integrity, more patience, more forbearance, to bestow upon Indian management than the civilians of the Department of the Interior? We can conceive of no reason why the duties of the Indian Office should not be just as efficiently performed in the Interior as in the War Department.

You have once, through an uninterrupted series of many years, tested the identical experiment now proposed in the "transfer" bill of managing Indians by the sword rather than by love, justice and moral suasion. It is no new experiment. The War Department, for more than half a century, had complete control of the Indian question. The history of its management during that long period has been written, and cannot be effaced. You may find it in the records of your War Office. Our people have it impressed upon the tablets of their memory and upon their hearts also. The verdict of Congress and of public opinion was passed upon the history of that management. And what was it? "*Failure, failure.*" Everywhere in that history, whether viewed in the light of economy, or in the light of morality, Christianity, and progress, you will

find the verdict to be the same—"failure." (See official document of Secretary of War, Hon. James Barbour, to President J. Q. Adams, in 1832, and report of Committee of Congress in 1834 on Indian Affairs.)

Dissatisfied with the result, Congress, after the most mature deliberation, deemed it to be expedient to remove the control of the Indians from the War to the Interior Department. It was done; done at a time when nearly all of the Western and Northwestern country, now embraced in States and Territories of the United States, was controlled by Indians. Many of these Indians were warlike and formidable. Nevertheless, the government recognized the necessity and justice of removing the control of these Indians from the military to the civil power. It was done; done in the interest of peace and Indian civilization, as well as in the interest of justice and economy.

The act of Congress making the "transfer" and all treaties and laws subsequently made touching Indian interests, place them, in their relation to your government, upon strictly a "*civil footing*." This act of Congress, and the treaties and laws referred to, are in accord with that provision of your Constitution which makes the military subordinate to the civil power, and which expressly declares that "*no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.*"

It is a well-attested fact that the presence of military posts and armed bodies of men in any community begets trouble, especially so if such community be composed of Indians. It has been charged, and we believe truthfully, that most of your Indian wars before and since the late rebellion were provoked by the military, and not by the Indians. (See speeches of Senator John A. Logan and Representative S. S. Cox on the "transfer" bill, while under discussion in the 44th Congress, 1st session.) Those wars make one of the saddest chapters in your history. Running back to the period antedating the transfer of Indian management from the War to the Interior Department, and you have, notably, the "Seminole" and "Black Hawk" wars, the military occupation of the Creek and Cherokee countries east of the Mississippi River, and the expulsion and forcible removal of these nations, at the point of the bayonet, to the West, involving an expenditure of untold millions of dollars in money, thousands of lives, and an amount of suffering and wrong not to be computed by figures nor measured by finite mind. A pittance of one-fifth of the expenditure of treasure involved in these wars and forcible removals would, no doubt, under civil management, have secured more satisfactory results and left fewer national sins to be atoned for.

The five civilized nations were most unfortunate in loss of life, funds, and personal property while in the hands of the Army, as can be attested by living witnesses.

Large numbers of their men, young and old, in their forced removal, especially among the Creeks, were seized in their homes, handcuffed, and ordered to march, without a moment's notice or preparation, their wives and children forced to follow, on foot and half clad, leaving furniture, bedding, clothing, horses, cattle, swine, and poultry, comfort and plenty, all their earthly possessions, behind, intact, while the well-mounted cavalry officer and his squadron, forgetting that they too once had mothers, fathers, sisters, and brothers, goaded them on with fixed bayonets, to so-called "camps of rendezvous and embarkation," where they were more securely manacled, arranged into long chain-gangs, and put upon the line of final march for the then western wilds of Arkansas.

These removals cost the Creeks and Seminoles, Cherokees, Choctawes,



and Chickasaws, by deaths, one-third of their entire population, and a loss of funds aggregating from fifteen to twenty millions of dollars, besides personal property amounting to many millions more, and none of which has ever been reimbursed by the United States Government, although repeatedly brought to the notice of her officers. Does this sound like fiction? Probably so; nevertheless it is true, and will apply with equal force to your Army intercourse with, and management of, the tribes of the great plains and of the Pacific coast. Some of us were old enough to comprehend and feel the horrible, blighting effects of your Army management of our people in the removals referred to. May God spare us and our race from even the possibility of ever again witnessing the recurrence of such scenes.

Subsequent to the "transfer" you have had your Indian wars, notably the so-called Modoc, Nez Percé, Sioux, Cheyenne, and Navajo, and others of less note. Your own officers have declared that the civil department was not chargeable with them. It has been repeatedly shown that the Indians were not chargeable with them, though they have been the chief sufferers. Whoever may have been to blame, one thing is certain, viz: the Piegan, Black Kettle, Chivington, Camp Grant, Nez Percé, and other massacres of Indians, where old men and women, suckling infants, little boys and girls, sick and helpless of all ages and sexes, in the expressive language of the times, "*bit the dust*," was the wanton work of white soldiers; that these sickening, horrible, and most devilish doings was the work of the Army, and that they have no parallel for savagery in any of the wars waged by the Indians against your people. We have no disposition to screen any act of cruelty or bad faith on the part of the Indians. Our sincere desire is to see such things made impossible by either whites or Indians. The circumstances leading to the killing of General Canby, and the destruction of General Custer and his command, we regret as sincerely as you do. But the latter was no "massacre" in the true meaning of the term. It was an event consequent to war. Brave there met brave; men met men; the pursuer was met by the pursued, ambushed, outnumbered, and defeated. It was not a massacre, and should not be so characterized. Such occurrences were common during your late civil war.

Do you desire to save from further destruction your Indian population? Is it your purpose to civilize and christianize them, so as to prepare them eventually for citizenship? Then, in the name of civilization, Christianity, and humanity, we earnestly ask you to make no change in the present general management unless it be to create an independent Indian department. The five civilized nations, Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles, resident in the Indian Territory, and which we have the honor to represent, have a legal right to claim this at your hands. Every other nation or tribe of that Territory has a similar claim upon you, for you have treaty relations with all of them, which, if respected, must bar you from such unrighteous legislation. Actuated by a sense of right for our own people, and by a common sympathy with, and earnest desire for, even-handed justice to our race in common, we ask you in their behalf not to pass this so-called transfer bill, nor any other bill or measure so fraught with danger to them.

The Christian sentiment of the country is overwhelmingly against the proposed "transfer." The moral sentiment of christendom is against it. The deliberate judgment of your ablest military chieftains, jurists, and statesmen condemn it as unwise, unless it be your policy to launch upon a series of wars of extermination.

The distinguished Ex-Commissioner of Indian Affairs, Hon. George W. Manypenny, a man who has made the Indian question his life-study, who believes in Indian civilization, in a recent letter to his friend in Congress, says :

Will this bill pass the House? I hope and pray not. The friends of the Indians ought to be up and doing in opposition to it. I have heard that —— is in favor of the transfer. I hope this is not true. God pity the hapless Indian.

Generals Sherman, Harney, Terry, and Angur of the Army, and Messrs. Taylor, Henderson, Sanborn, and Tappan of the civil department, treating of the same subject, used the following language : “ If we intend to have war with them (the Indians), the bureau (Indian) should go to the Secretary of War. If we intend to have peace, it should be in the civil departments. In our judgment such wars are wholly unnecessary, and, hoping that the government and the country will agree with us, we cannot advise the change. \* \* \* The military arm of the government is not the most admirably adapted to discharge duties of this character. We have the highest possible appreciation of the officers of the Army, and fully recognize their proverbial integrity and honor; but we are fully satisfied that not one in a thousand would like to teach Indian children to read and write, or Indian men to sow and reap. These are emphatically civil and not military occupations. \* \* \* We therefore recommend that Indian affairs be committed to an independent bureau or department.” (See Report Com. Indian Affairs, page 26, &c., 1868.)

The then honorable Commissioner of Indian Affairs, treating of this same transfer question, says in his report for the year 1868, just referred to :

I shall endeavor to present some strong reasons against the “transfer.” These I proceed to offer, assuming all the time that the “transfer” means that in future all our Indian affairs are to be administered by the Army, under the direction of the War Office.

My reasons in opposition are—1st. That the prompt, efficient, and successful management and direction of our Indian affairs is too large, onerous, and important a burden to be added to the existing duties of the Secretary of War.

None can deny that the safe and successful management of the military affairs of a republic of forty millions of people demands the constant and exclusive exercise of all the powers of an accomplished and experienced statesman.

2d. The “transfer” creates a necessity for maintaining a large standing army in the field. \* \* \* In time of war the Army is our wall of defense.

In peace large armies exhaust the national resources, and are a standing menace to liberty.

Surely, Congress is not prepared to transfer the Indian Bureau to the War Department, merely to create a necessity to keep up an army, and with it the taxes.

3d. Our true policy toward the Indian tribes is peace, and the proposed transfer is tantamount, in my judgment, to perpetual war.

If a chronic war, with additional expenses of fifty million to one hundred and fifty million dollars on account of Indian affairs, is desired, the “transfer,” it seems to me, is a logical way to the result.

The honorable Commissioner, in his report from which we have quoted, alleges, and his allegation has been amply verified in the debates in Congress and in numerous reports upon Indian affairs, that, while the Indian Bureau was in the War Office, more than half of the time was devoted to “*costly, unprofitable, and unjust wars*” against the Indians, and in “*vexatious and expensive troubles*” with them; and that even since the transfer of the bureau to the Interior Department, almost all the Indian wars in which the government has been engaged were the result of “*precipitate and ill-considered action of the military stationed in the Indian country.*” He cites as examples, notably, the Sioux war of 1852-’54, which cost the United States Government from \$20,000,000 to \$40,000,000, many lives, and much property; the Cheyenne war, in 1864, costing

not less than \$40,000,000, a vast amount of property, and a large number of lives; the Dakota outbreak, in 1866, consequent upon the military occupation of the Indian country on the Powder River, and the erection, in violation of treaties, of the posts of Reno, Phil. Kearney, and C. F. Smith; the renewal of war with the Cheyennes, in 1867, in consequence of the wanton burning of a peaceful Cheyenne village on the Pawnee Fork, in Western Kansas; and the war with the Navajoes of New Mexico, attributable to the killing by a chief of an officer's servant who had debased his wife, and to the want of prudence and moderation on the part of the military; and alleges, further, that what is true as regards military mismanagement east of the Rocky Mountains, with its deplorable results, is true also as to their management west of the mountains, on the Pacific coast. It is said that the cost of your long series of Indian wars aggregates several hundred millions of dollars, \$600,000,000 we believe, and that every Indian killed by the Army has cost the United States more than one million of dollars. While this seems to be true, it is said to be equally true that you have paid the Indians less than \$100,000,000 for the continent, or the larger part of it, which you have wrested from them; a single county of which is in many places worth more money. The history of events leading to your late difficulties with "Sitting Bull" and his people, and the forcible wrenching from the Sioux Nation a large part of their country, is familiar to all. Had there been no "reconnaissance in force" of the Black Hill country by the "Custer Expedition," there had been no occasion for the war which followed, and the sad consequences entailed thereby upon both Indians and whites.

If there is any exception to the rule that military presence, for any length of time in a community, is subversive of the morals, good order, quiet, peace, and happiness of such community, we respectfully challenge the advocates of this "transfer" bill to cite them. There is no exception to the general rule. If you doubt it, then we ask you to go to your own records, read the history of the half-breeds at Fort Laramie, that of the Navajoes at Fort Sumner, that of the Indians about Fort Sill, and that of tribes surrounding every other military post in the Indian country.

Before the war of the rebellion Fort Gibson, C. N., was deemed to be the "banner" post of the Army. Nevertheless, the Cherokees recognized the fact that it had begun to rapidly sap the foundations of their manhood and womanhood. They took alarm; asked for its abandonment. It was abandoned, reverting to the Cherokee Nation. During the late war it was reoccupied as a military necessity. Since the war a force barely sufficient to protect the property has occupied it; yet the debauchery around the sutler's post is cause for constant anxiety and vigilance on the part of the town corporation of the village of Fort Gibson, and this, too, while faithful Christian officers hold the reins inside the fort and military reserve.

It is but a few years since President Grant declared his purpose to make a serious effort to save and civilize his Indian wards. You are familiar with that effort. Congress heartily seconded his recommendations. One of the first steps was to legalize and organize the "Board of Indian Peace Commissioners." Facts and figures show that, aided by the Christian churches, they have done a noble work. Errors may have been committed, abuses practiced, yet, as a whole, the work stands forth nobly grand, as compared with all previous efforts in the same direction.

You have, to-day, upwards of seventy Indian agencies, under the direction of that many agents, and representing twice that number of Indian nations, tribes, and bands. Most of these agents are Christian gentlemen, selected and sent forth by the various Christian societies,

which were invited by President Grant to aid in the work of Indian civilization. They have drawn around them, as helpers, teachers, farmers, mechanics, and other laborers, men and women who are in the main in active sympathy with the work. Illustrative of what has been accomplished under this "*peace policy*" and civil management, permit us to call your attention to a few figures gleaned from official reports of your own officers. On pages 7-8, Eighth Annual Report Board of Indian Commissioners for the year 1876, you will find that in that year there were within your territorial bounds, exclusive of those in Alaska, 266,000 Indians, 104,818 of whom then dressed in citizens' clothing. In 1868 they had but 7,476 houses; in 1876, 55,717 houses, 1,702 of which were built that year. In 1868 they had 111 schools, 134 teachers, 4,718 pupils; in 1876, 344 schools, 437 teachers, 11,328 pupils, at a cost for that year of \$362,496.03. In 1876 there were 25,662 Indians, independent of the five civilized nations of the Indian Territory, who could read. Add to these 25,000 Cherokees, Creeks, and Seminoles, Choctaws, and Chickasaws who read and write in the English or their native language, and you have for that year (1876) a reading Indian population of 50,622. There were in 1876, on Indian reservations, 177 church buildings and 27,215 Indian church members. In 1868 these Indians cultivated 54,207 acres; in 1876 they cultivated 318,104 acres, employing 26,873 male Indian laborers, exclusive of the five civilized nations of the Indian Territory. In 1868 they produced, with the aid of white labor, 126,117 bushels of wheat, 467,363 bushels of corn, 43,976 bushels of oats and barley, 236,926 bushels vegetables, and 16,216 tons of hay. In 1876 they produced, chiefly by their own labor, 463,054 bushels wheat, 2,229,463 bushels corn, 134,780 bushels oats and barley, 278,049 bushels vegetables, 13,215 tons of hay, besides several hundred bales of cotton and considerable coal, sugar, sirup, and lumber. In 1868 they owned 43,960 horses and mules, 42,874 cattle, 29,890 swine, 2,683 sheep; in 1876, 310,043 horses and mules, 811,308 cattle, 214,076 swine, and 447,295 sheep.

In 1876 there were 1,472 Chippewa Indians on the "White Earth Reservation," in Minnesota, who had been gathered there within eight years, and who, when their agent, Hon. E. P. Smith, took charge of them, were regarded as the most degraded of all the tribes. In 1876 these Indians had 170 distinct farms, well cultivated; 200 families lived in comfortable houses. They then owned 160 horses, 626 cattle, and 278 swine. They raised that year 3,025 bushels wheat, 2,629 bushels corn, 1,340 bushels oats and barley, 12,532 bushels vegetables, and 2,119 tons of hay. They nearly all at that date wore citizens' clothing; 128 children were attending school, 230 could read, and 600 were church members. The success at taming the wild Sioux at the Sisseton agency, Dakota, has been equally marked. In 1868 these wild Sioux had no civilizing agencies among them whatever. In 1876 they all wore citizens' clothes, occupied 240 houses, had 5 school-houses, 100 pupils in regular attendance, 950 could read, 4 churches, with a membership of 392. In 1876 they raised \$1,030 for church purposes.

In the Indian Territory, besides the five civilized nations, there were, in 1876, 17,588 other Indians, consisting of Comanches, Osages, Cheyennes, Arapahoes, Kiowas, Wichitas, and other. In 1868 these Indians had but 5 schools and 105 pupils. In 1876 they had 22 schools and 1,141 pupils. In 1868 they cultivated 3,220 acres. In 1876 they cultivated 15,905 acres. In 1868 they raised 31,700 bushels of corn, 633 bushels wheat, and 750 tons hay. In 1876 they raised 254,329 bushels corn, 14,989 bushels of wheat, 6,586 tons hay, 2,383 bushels oats. In 1868 they raised 8,770 bushels vegetables. In 1876, 15,513 bushels vegetables.



In 1868 they owned 17,924 horses and mules, 640 cattle, and 1,074 swine. In 1876 they owned 31,158 horses and mules, 8,433 cattle, and 10,893 swine. In 1868 they had no houses. In 1876 they owned and occupied 1,100 houses.

Turning from the wild tribes of the great plains, permit us to call your attention to a few facts illustrative of what has been accomplished by the five civilized nations of the Indian Territory. These nations were, before the war of the rebellion, unquestionably the richest people on the face of the globe. Reference to a single one of these nations will answer our purpose, for they were all equally prosperous before the war and now are. For many years before the war these five nations were large exporters of beef-cattle.

In 1855 the Cherokees alone exported to California and the Eastern markets 90,000 head of beeves, worth at home \$1,620,000.

At the close of the war there were probably not exceeding 200 cows and calves left within the Cherokee country. There are to-day not less than 80,000 head, and probably exceeding 100,000 head. When the war closed there was not a hog or the foot print of one to be found in the country. To-day, at the lowest computation, there are 75,000 head, while nearly as many have died with hog cholera within the last five years. The two regiments United States Cherokee volunteers wore out 4,000 horses and mules during the war in the Federal service, for which they never received a dollar. While the nation lost in consequence of the war, at the lowest computation, not less than 30,000 head, they have measurably recovered this loss, and are again rearing horses for the saddle, harness, and the turf.

The close of the war found many of them homeless; all of them without fencing around their lands, and without implements with which to work—the war of the elements and time had well-nigh completed the work of the sword and fire. Now they are all comfortably and many of them elegantly housed. They have no paupers; none in want. They are rapidly introducing and utilizing upon their farms the most improved implements and labor-saving machines. They produce a surplus of corn, wheat, and oats, rye, millet, vegetables, and fruits and sirups, and considerable cotton. They have under cultivation about 70,000 acres; own and operate 22 grist and saw mills, 2 cotton-gins, 65 smith-shops, and 22 mercantile establishments. They have 2,500 children receiving instruction at 85 common schools; 1 male and 1 female seminary, and 1 orphan asylum. They have 1 asylum for the deaf, dumb, blind, and other unfortunates; 1 State prison; a neat State-house, and 1 national printing office, where is published the *Cherokee Advocate*, in both English and Cherokee. Their code of laws will bear comparison with that of any of the States. Their funds, vested in United States securities, amount to about \$3,000,000, and are steadily increasing, the interest on which is devoted to school, orphan, and national purposes. Two years ago the Cherokee National Council chartered the Cherokee Fair and Agricultural Association; \$3,000, in \$10 shares, was promptly subscribed; grounds were located near Fort Gibson, and work of improvement commenced the 1st of June last; \$1,600 was expended in inclosing a mile circular track, and in erecting necessary buildings for the accommodation of exhibitors and others.

Pursuant to notice, the first "exposition" opened September 17, 1877, and continued four days. During these four days upward of 5,000 persons attended, the gate-receipts proving ample to pay handsome premiums and all other expenses incidental to the first opening. The association is free from debt, and now own one of the most beautiful, pleasant and convenient "fair grounds" in the Southwest.